

Message Text

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C O N F I D E N T I A L SAO PAULO 0326

E.O. 11652: GDS

TAGS: SHUM; PINT, BR

SUBJ: MILITARY COURT DENIES LAWYERS' PETITION CONCERNING HUMAN
RIGHTS OF PC DO B PRISONER

REF: SAO PAULO 0238

SUMMARY: A SAO PAULO MILITARY COURT HAS REJECTED DEFENSE LAWYERS' ALLEGATIONS OF TORTURE OF CHINESE LINE COMMUNIST PARTY CENTRAL COMMITTEE MEMBER ALDO DA SILVA ARANTES BY SECOND ARMY DOI-CODI. COURT ACTION BASED ON STATEMENT BY SECOND ARMY COMMANDER DILERMANDO GOMES MONTEIRO AND MEDICAL REPORT OF POLICE DOCTOR. LAWYERS' CHARGES HAVE BEEN SUPPORTED BY CALLS FOR FURTHER INVESTIGATION OF ARANTES' CONDITION BY CHURCH-LINKED SAO PAULO GROUPS AND INTERNATIONAL PROTESTS. PROTESTS HAVE EARMARKS OF ORCHESTRATED CAMPAIGN. WHILE ARMY PRACTICES MAY NOT BE VERIFIED BEYOND THE SHADOW OF A DOUBT, IT IS CLEAR THAT GOVERNMENT'S INTENTION IN THIS CASE IS TO FOLLOW LETTER OF THE LAW. END SUMMARY.

1. SAO PAULO MILITARY COURT HAS DENIED THE PETITION OF LAWYERS FOR ALDO DA SILVA ARANTES DENOUNCING HIS TORTURE BY SECOND ARMY DOI-CODI (DEPARTMENT OF INTERNAL OPERATIONS.) THE COMPLAINT WAS RECEIVED BY THE SECOND ARMY ON FEBRUARY 1 AND RESPONDED TO ON FEBRUARY 4. THE RESPONSE WAS ACCOMPANIED BY MEDICAL STATEMENTS
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FROM THE DUTY PHYSICIAN OF THE POLICE LIGAL-MEDICAL INSTITUTE AND A SECOND ARMY MEDIC. THE STATEMENT ASSERTS THAT ARANTES SHOWED NO SIGNS OF ELECTRIC SHOCKS OR NON-RECENT INJURIES (THE COMPLAINT HAD BEEN MADE ON JANUARY 27). MARKS ON ARANTES' BODY WERE CONSIDERED NORMAL FOR A PRISONER AND FOR A PERSON IN HIS CONDITION (ARANTES HAS EPILEPSY AND REPORTEDLY SUSTAINS SOME INJURIES DURING HIS SEIZURES.)

2. A SERIES OF APPEALS FOR FURTHER, IMPARTIAL INVESTIGATION HAVE COINCIDED WITH THE LAWYERS' PETITION. THE PONTIFICAL COMMISSION ON JUSTICE AND PEACE, AFTER A VISIT FROM ARANTES' MOTHER, SENT A STRONG PROTEST TO GEN. DILERMANDO. JUSTICE AND PEACE PUBLISHED THE NOTE FEBRUARY 4, EXPRESSING ITS "MOST VEHEMENT CONCERN AT THE RESURGENCE OF ABOMINABLE PRACTICES." A SEPARATE GROUP, ORGINAZED UNDER THE AUSPICES OF CARDINAL ARNS CALLING ITSELF "MILITANTS AND SYMPATHIZERS OF NON-VIOLENT ACTION", APPEALED TO GEN. DILERMANDO FEBRUARY 7. IT TOOK NOTE OF PREVIOUS PROTESTS AND THE GENERAL'S DENIAL, BUT ASKED "WHERE IS THE TRUTH?" THE GROUP WNATS ARANTES AND WITNESSES TO BE HEARD IN THE PRESENCE OF HIS LAWYERS AND THE PRESIDENT OF THE BRAZILIAN BAR ASSOCIATION, AND EXAMINED BY A PHYSICIAN IN WHOM HE HAS CONFIDENCE. IT CONCLUDED BY SAYING THAT, IF DOUBTS PERSIST ABOUT ARANTES' CONDITION, THE INVESTIGATION MUST CONTINUE.

3. INTERNATIONALLY, THERE HAVE BEEN A NUMBER OF PROTESTS CONCERN-
ING THE PC DO B PRISONERS. IN LISBON, A GROUP OF POLITICIANS ATTEMPTED TO PRESENT A PROTEST TO THE BRAZILIAN AMBASSADOR CONCERN-
ING THE PC DO B MEMBERS KILLED DURING THE DECEMBER 16 RAID AND THOSE HELD PRISONER. THE AMBASSADOR REFUSED TO ACCEPT THE NOTE. IN PARIS, A FRENCH GROUP, INCLUDING SCIENTISTS ALFRED KASTLER AND ANDRE WOLFF, ACTORS YVES MONTAND AND SIMONE SIGNORET, CRITIC ROLAND BARTHES, WRITER CLAUDE MAURIAC AND THE BISHOP OF ORLEANS ASKED GEISEL TO STOP THE GRAVE VILATIONS OF HUMAN RIGHTS. IT CALLED FOR PUBLICATION OF THE NAMES OF ALL POLITICAL PRISONERS AND AN END TO THE BAD TREATMENT OF PRISONERS BY THE SECOND ARMY. PROTESTS HAVE ALSO BEEN PUBLISHED HERE FROM ENVER HOXA OF ALBANIAN
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COMMUNIST PARTY CENTRAL COMMITTEE OF CHINESE COMMUNIST PARTY. WE UNDERSTAND THAT BELGIAN SOCIAL CHRISTIAN PARTY YOUTH WING HAS ASKED EMBASSY HERE TO PROTEST, THROUGH EMBASSY HAS DEFERRED ACTION PENDING MORE CONVINCING EVIDENCE THAT ARANTES AND OTHERS WERE TORUTURED. THERE ARE INDICATIONS THAT THE GOVERNMENT HAS RECEIVED A NUMBER OF OTHER INTERNATIONAL PROTESTS BUT HAS SEEN NO ADVANTAGE IN HAVING THEM PUBLISHED. IT IS REMORED THAT A UNHCR REPRESENTATIVE (FRENCH NATIONAL) IS IN SAO PAULO TO INVESTIGATE CASE. ARMY HAS REPORTEDLY PERMITTED THE REPRESENTATIVE TO INTERVIEW ARANTES.

4. COMMENT: THE DOMESTIC AND INTERNATIONAL PROTESTS HAVE ALL THE EARMARKS OF AN ORCHESTRATED POLITICAL CAMPAIGN. WHILE ARMY PRACTICES MAY NOT BE VERIFIED BEYOND THE SHADOW OF A DOUBT IN THIS CASE -- THE USE OF HOUSE PHYSICIANS AND DELAYS IN PERMITTING IMPARTIAL ACCESS TO ARANTES HAVE BEEN CRITICIZED -- THE GOVERNMENT, AND ESPECIALLY SECOND ARMY COMMANDER DILERMANDO, APPEAR TO BE AT PAINS TO FOLLOW THE LETTER OF THE LAW. ACCORDING TO HUMAN RIGHTS AND MILITARY SOURCES, GEN. DILERMANDO PROHIBITED FURTHR QUESTIONING

OF PRISONERS AT DOI-CODI AFTER LAWYERS PROTESTED MALTREATMENT.
GOVERNMENT RECEPTION OF UNHCR REPRESENTATIVE, IF TRUE, IS ALSO
PROMISING SIGN. THERE IS STILL CONSIDERABLE GOOD WILL ON PART OF
HUMAN RIGHTS ACTIVISTS FOR GEN. DILERMANDO. SEVERAL HAVE SUGGESTED
THAT, IF ARANTES AND OTHER PC DO B PRISONERS HAVE BEEN MALTREATED,
IT PROBABLY WAS IN RIO. IF THEIR RIGHTS WERE INFRINGED UPON IN
SAO PAULO, IT MUST HAVE BEEN THE WORK OF HARD-LINE INTELLIG-
ENCE OFFICERS OUT TO SABOTAGE DILERMANDO'S POLITICAL AMBITIONS.
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